

## **REMARKS/ARGUMENTS**

The Applicants originally submitted Claims 1-20 in the application. The Applicants have previously amended Claims 1 and 8, canceled Claims 3 and 10 without prejudice of disclaimer and added Claims 21-22. In the present response, the Applicants have not cancelled, added or amended any claims. Accordingly, Claims 1-2, 4-9 and 11-22 are currently pending in the application.

### **I. Rejection of Claims 1-2, 6, 8-9, 13, 15-16, 19 and 21-22 under 35 U.S.C. §102**

The Examiner has rejected Claims 1-2, 6, 8-9, 13, 15-16, 19 and 21-22 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,259,710 to Junghans. The Applicants respectfully disagree since Junghans does not teach communicating data over a voice channel between a transmitter of a base station and a receiver of a handset of a cordless telephone including identifying a pause in voice traffic that is to be transmitted over the voice channel and responding to the pause by causing the transmitter to transmit the data to the receiver over the voice channel as recited in Claims 1, 8 and 15.

Junghans is directed to a digital enhanced cordless telecommunications (DECT) system. (*See* column 1, lines 7-10.) A DECT system has two communication channels that are used for control data (C-plane) and for user data (U-plane), respectively. The user data can include either voice data or digital data. (*See* column 1, lines 23-34.) Junghans discloses a system that enables fast C-plane transmission mode during cordless telephone voice connections within the DECT system without degrading voice quality. (*See* column 2, lines 53-57.) Fast C-plane transmission is a DECT standard that enables the transmission of control data at a high data rate. (*See* column 1, lines 41-49.)

The DECT system of Junghans, however, does not teach communicating data over a voice channel including responding to a pause in voice traffic by causing a transmitter to transmit the data over the voice channel as recited in Claims 1, 8 and 15. On the contrary, Junghans teaches directing control data to be transmitted through the fast C-plane during periods of silence. (See column 2, lines 62-65). The control data, however, is not transmitted over the U-plane, which is for voice data, but is transmitted over the C-plane. Thus, Junghans teaches detecting a period of silence within voice data and then, during that period of silence, transmitting control data over a control data channel (C-plane), not a voice channel. (See column 5, line 65 to column 6, line 24.) The Applicants do not find where Junghans addresses transmitting data to a receiver over a voice channel based on a pause in voice traffic.

Since Junghans fails to teach all of the elements of independent Claims 1, 8 and 15, Junghans does not anticipate Claims 1, 8 and 15 and Claims dependent thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102(e) rejection of Claims 1-2, 6, 8-9, 13, 15-16, 19 and 21-22 under 35 U.S.C. §102(e) and issue allowance thereof.

## **II. Rejection of Claims 4-5, 11-12 and 17-18 under 35 U.S.C. §103**

The Examiner has rejected Claims 4-5, 11-12 and 17-18 under 35 U.S.C. §103(a) as being unpatentable over Junghans in view of U.S. Patent No. 6,349,212 to Martensson, *et al.* (Martensson). The Applicants respectfully disagree.

As discussed above, Junghans fails to teach all of the elements of the inventions recited in independent Claims 1, 8 and 15. Junghans also fails to suggest each element of independent Claims 1, 8 and 15 since Junghans teaches detecting periods of silence within voice data and transmitting

control data during the periods of silence over a control data channel, not a voice channel. (See column 5, line 65 to column 6, line 24.) Martensson is directed to a cordless telephone arrangement including a base station and a plurality of mobile stations. (Column 1, lines 7-11). Martensson has not been cited to cure the deficiencies of Junghans but to teach data comprising caller identification data and data comprising menu item selection data. (Examiner's Action, page 3). Thus, the cited combination of Junghans and Martensson does not teach or suggest all of the elements of the inventions of independent Claims 1, 8 and 15 and thus, does not establish a *prima facie* case of obviousness of dependent Claims 4-5, 11-12 and 17-18, which include the elements of the respective independent claims. The Applicants therefore respectfully traverse the Examiner's rejection of Claims 4-5, 11-12 and 17-18 under 35 U.S.C. §103(a) and issue allowance thereof.

### **III. Rejection of Claims 7, 14 and 20 under 35 U.S.C. §103**

The Examiner has rejected Claims 7, 14 and 20 under 35 U.S.C. §103(e) as being unpatentable over Junghans in view of U.S. Patent No. 6,301,287 to Walley, *et al.* (Walley). As discussed above, Junghans fails to teach or suggest all of the elements of the inventions recited in independent Claims 1, 8 and 15. Walley has not been cited to cure the deficiencies of Junghans but only for the premise of teaching the subject matter of dependent Claims 7, 14 and 20. Thus, the cited combination of Junghans and Walley does not teach or suggest all of the elements of the inventions of independent Claims 1, 8 and 15 and thus, does not establish a *prima facie* case of obviousness of dependent Claims 7, 14 and 20 which include the elements of the respective independent claims. The Applicants therefore respectfully traverse the Examiner's rejection of Claims 7, 14 and 20 under 35 U.S.C. §103(a) and request issuance of allowance thereof.

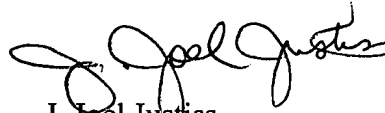
#### IV. Conclusion

In view of the foregoing remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-2, 4-9 and 11-22.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

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